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C O N F I D E N T I A L BOGOTA 008028

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TAGS: [KJUS](#) [PGOV](#) [PINR](#) [PREL](#) [PTER](#) [CO](#)
SUBJECT: PROSECUTOR GENERAL HESITANT ON PROCEEDING WITH
JUSTICE AND PEACE LAW

REF: BOGOTA 7986

Classified By: Ambassador William B. Wood.
Reasons: 1.4 (b) and (d)

SUMMARY

¶1. (C) Prosecutor General Mario Iguaran told us on August 28 that the Fiscalía's Justice and Peace Unit would not be at full strength until paramilitaries confirmed their commitment and eligibility for JPL processing. In a separate meeting, JPL Specialized Unit Chief Luis Gonzalez said it had been difficult to convince Iguaran to give the JPL Unit the resources it needs to do its job. End summary.

IGUARAN ADDING STEPS TO THE JPL PROCESS

¶2. (C) Iguaran told us on August 28 that the list of 2,695 demobilized paramilitaries requesting benefits under JPL was vast and would overwhelm any Fiscalía in the world. Iguaran was hoping the JPL decree would permit him to segment the list, enabling the Fiscalía to start with 24 paramilitary leaders (reftel). He said 21 of the 24 have arrest warrants; the three that do not are Carlos Mario Jimenez (AKA "Macaco"), Severo Antonio Lopez (AKA "Job"), and Jose Luis Zuluaga (AKA "McGiver").

¶3. (C) Iguaran shared a preliminary analysis from the Fiscalía's Justice and Peace Unit, which indicated that of the 2,695 demobilized paramilitaries, only 14 percent have been "fully" identified, including full names, dates of birth, and cedula identification numbers. Iguaran said he was considering returning the list to the Peace Commissioner's Office to verify identifications and to the Ministry of Interior and Justice to confirm the locations of the individuals. After that, the Fiscalía would conduct "pre-interviews" in which prosecutors would ask those on the list a series of questions to determine if they met the JPL criteria. They would also be asked to ratify their commitment to participate in the JPL process. Only then would the Fiscalía start the JPL debriefing (version libre)

process. His view is that the clock for the Fiscalía to take the version libre and proceed with JPL would not commence until this "ratification" had taken place. (Note: The GOC issued a decree on August 29 authorizing the Fiscalía to call demobilized members of the AUC in to ratify their commitment and eligibility for JPL.) Iguaran speculated that the first version libres would take place in late September.

¶4. (C) Iguaran conceded the Justice and Peace Unit would not be at full strength until there was clarity on the implementing decree and paramilitaries confirmed their commitment and eligibility for JPL. He said the Fiscalía was so busy implementing the new oral accusatory system and working on human rights cases that resources were stretched. Despite the strain on other units, the Fiscalía had assigned to the JPL unit 16 prosecutors ("Fiscales ante el Tribunal"), which is 80 percent of its authorized strength. He said the JPL Unit had assigned 120 investigators of the 150 expected to work in the Unit. The JPL units in Barranquilla and Medellin would be ready in two months.

¶5. (C) Iguaran said the Constitutional Court's decision had legitimized the peace process with the paramilitaries. He intended to apply the Court's interpretation of the JPL. Iguaran speculated that the legal process with the paramilitaries should be easier than other prosecutions because the former AUC members have an incentive to cooperate.

JUSTICE AND PEACE UNIT EAGER TO WORK

¶6. (C) JPL Specialized Unit Chief Luis Gonzalez told us on August 28 he has had a hard time convincing Iguaran to augment the JPL Unit. Gonzalez noted that instead of providing more resources, the Fiscal was creating more delays in the process. Gonzalez said the time for the JPL had arrived with the GOC's deliverance of the JPL lists on August 17, but Iguaran continued to delay approval of the four additional prosecutors the Unit needed to fill the 20-prosecutors requirement mandated in the Law. Gonzalez said Iguaran had also promised to assign an additional 60 auxiliary prosecutors ("fiscales seccionales") to assist the 20 prosecutors, but only four had been approved so far.

¶7. (C) Gonzalez said that if it were not for USG support, the Unit would not have the basic resources and training needed to do the job. To date, DOJ has provided three training sessions for Unit prosecutors and investigators. From August 14-23, DOJ hosted a training seminar for the 16 fiscales from the JPL Unit, eight magistrate judges who have been selected to administer the JPL, and other government entities involved in JPL. The seminar brought together the main actors involved in the JPL's application and addressed questions on the implementation of the JPL, the Constitutional Court's decision, the implementing regulations, and other Colombian laws and jurisprudence. The seminar focused on victims, assets, JPL hearings, evidentiary and operational issues.

¶8. (C) DOJ officials were impressed with the selected judges, but less so with the prosecutors. They said most judges were experienced, proven magistrates, who had carefully reviewed the JPL. In contrast, the JPL prosecutors, with a few exceptions, were less experienced but appeared to be committed to finding practical solutions to implement the Law. DOJ officials considered the selection of less experienced prosecutors to reflect the Fiscalía's lack of commitment to JPL.

WOOD